

Adopted	Rejected
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COMMITTEE REPORT

YES:	11
NO:	0

MR. SPEAKER:

*Your Committee on Environmental Affairs, to which was referred Senate Bill 99, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill **be amended** as follows:*

- 1 Page 2, between lines 3 and 4, begin a new paragraph and insert:
- 2 "SECTION 2. IC 13-11-2-144.7 IS ADDED TO THE INDIANA
- 3 CODE AS A NEW SECTION TO READ AS FOLLOWS
- 4 [EFFECTIVE UPON PASSAGE]: **Sec. 144.7. For purposes of**
- 5 **IC 13-18-12, "onsite residential sewage discharging disposal**
- 6 **system" means a sewage disposal system that:**
- 7 **(1) is located on a site with and serves a one (1) or two (2)**
- 8 **family residence; and**
- 9 **(2) discharges effluent offsite.**
- 10 SECTION 3. IC 13-11-2-199.5, AS ADDED BY P.L.193-2001,
- 11 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 12 UPON PASSAGE]: Sec. 199.5. "Septic tank soil absorption system",
- 13 for purposes of **IC 13-18-12 and** IC 13-26-5-2.5, means pipes laid in
- 14 a system of trenches or elevated beds, into which the effluent from the
- 15 septic tank is discharged for soil absorption, or similar structures.
- 16 SECTION 4. IC 13-18-12-9 IS ADDED TO THE INDIANA CODE

AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 9. (a) This section applies only to a county having a population of more than three hundred thousand (300,000) but less than four hundred thousand (400,000).**

(b) Except as provided in subsection (c), the point source discharge of sewage, treated or untreated, from a dwelling or its associated residential sewage disposal system to waters is prohibited.

(c) In a county onsite waste management district established under IC 36-11 that performs all the functions related to onsite waste management listed in IC 36-11-2-1, the point source discharge of sewage, treated or untreated, from an onsite residential sewage discharging disposal system to waters is permitted if:

(1) the local health department for the jurisdiction in which the system is located issues an operating permit for the system under subsection (d); and

(2) the discharge is authorized under a general permit issued under 40 CFR 122.28.

(d) The local health department for the jurisdiction in which the system is located may issue an operating permit for an onsite residential sewage discharging disposal system if the system is installed to repair a sewage disposal system that fails to meet public health and environmental standards and if:

(1) the local health department adopts a local ordinance for monitoring onsite residential sewage discharging disposal systems in the jurisdiction, including fines or penalties, or both, for noncompliance, to ensure that:

(A) required maintenance is performed on the systems; and

(B) the systems do not discharge effluent that violates water quality standards;

(2) the local health department certifies, with respect to the system for which the permit is issued, that:

(A) the system is capable of operating properly;

(B) the system does not discharge effluent that violates water quality standards;

(C) an acceptable septic tank soil absorption system cannot

be located on the property served by the system because of the property's:

- (i) soil characteristics;
- (ii) size; or
- (iii) topographical conditions;

(D) the system:

- (i) was properly installed by a qualified installer; and
- (ii) provides the best available technology for residential discharging onsite sewage disposal systems; and

(E) the local health department has:

- (i) investigated all technologies available for repair of the failed sewage disposal system, other than the use of an onsite residential sewage discharging disposal system; and
- (ii) determined that the onsite residential sewage discharging disposal system for which the permit is sought is the only possible technology that can be used to effect a repair of the failed sewage disposal system without causing unreasonable economic hardship to the system's owner; and

(3) the system for which the permit is issued cannot be connected to a sanitary sewer because:

- (A) there is not a sanitary sewer connection available; or
- (B) unreasonable economic hardship would result to the system's owner because of:
 - (i) the connection requirements of the sanitary sewer operator; or
 - (ii) the distance to the sanitary sewer.

(e) This section expires January 1, 2007.

SECTION 5. IC 16-18-2-263.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 263.5. For purposes of IC 16-19-3, "onsite residential sewage discharging disposal system" means a sewage disposal system that:**

- (1) is located on a site with and serves a one (1) or two (2) family residence; and
- (2) discharges effluent offsite.

SECTION 6. IC 16-19-3-27 IS ADDED TO THE INDIANA CODE

AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE
UPON PASSAGE]: **Sec. 27. (a) The state department of health
shall:**

(1) study the use of:

(A) effluent filters;

(B) recirculation media filters;

(C) aeration treatment units;

(D) drip irrigation;

(E) graveless trenches; and

(F) new technologies;

**for residential septic systems that will cause systems to
perform satisfactorily as alternatives to currently operating
systems that do not perform satisfactorily because of soil
characteristics, lot sizes, topographical conditions, or high
water tables; and**

**(2) take all actions necessary to develop plans and
specifications for use of the technologies listed in subdivision**

(1) in residential septic systems.

**(b) The executive board shall adopt reasonable rules under
IC 4-22-2 to:**

**(1) adopt the plans and specifications developed under
subsection (a);**

**(2) adopt plans and specifications for residential discharging
onsite sewage disposal systems; and**

(3) allow for the issuance of operating permits for:

**(A) residential septic systems that are installed in
compliance with the plans and specifications adopted
under subdivision (1); and**

**(B) onsite residential sewage discharging disposal systems
that:**

**(i) are installed in compliance with the plans and
specifications adopted under subdivision (2); and**

(ii) comply with IC 13-18-12-9."

Page 3, line 6, delete "department;" and insert "**department of
environmental management;**".

Page 3, line 12, after "of the department" insert "**of environmental
management**".

Page 3, line 24, delete "department;" and insert "**department of**

1 **environmental management;".**

2 Page 4, line 32, delete "employee." and insert **"employee and may**
3 **not be a member of the county legislative body."**

4 Page 5, line 5, delete "department;" and insert **"department of**
5 **environmental management;".**

6 Page 5, line 42, after "body." insert **"The governing body shall give**
7 **notice by mail of the adoption of an ordinance to establish a district**
8 **to each person who filed a written objection under section 8 of this**
9 **chapter."**

10 Page 6, line 4, delete "department;" and insert **"department of**
11 **environmental management;".**

12 Page 6, between lines 20 and 21, begin a new paragraph and insert:

13 **"Sec. 14. (a) If the governing body adopts an ordinance under**
14 **section 10 of this chapter to establish a district, a person who filed**
15 **a written objection under section 8 of this chapter against the**
16 **establishment of the district may file an objecting petition in the**
17 **office of the county auditor. The petition must be filed not more**
18 **than thirty (30) days after the date the notice of the adoption of the**
19 **ordinance is mailed to the person under section 8 of this chapter.**
20 **The petition must state the person's objections and the reasons why**
21 **the person believes the establishment of the district is unnecessary**
22 **or unwise.**

23 **(b) The county auditor shall immediately certify a copy of the**
24 **petition, together with other data necessary to present the**
25 **questions involved, to the county legislative body. Upon receipt of**
26 **the certified petition and other data, the county legislative body**
27 **shall fix a time and place for the hearing of the matter. The hearing**
28 **shall be held not less than five (5) days and not more than thirty**
29 **(30) days after the receipt of the certified documents.**

30 **(c) The hearing shall be held in the county where the petition**
31 **arose.**

32 **(d) The county legislative body shall give notice of the hearing**
33 **to the petitioner and the governing body by mail at least five (5)**
34 **days before the date of the hearing. After the hearing, the county**
35 **legislative body shall approve or deny the establishment of the**
36 **district. The decision by the county legislative body:**

37 **(1) is final with respect to the establishment of the district**
38 **against which the objecting petition was filed; and**

(2) does not limit the authority of the governing body to initiate new proceedings to establish a district."

Page 10, after line 32, begin a new paragraph and insert:

"SECTION 8. [EFFECTIVE UPON PASSAGE] (a) For purposes of this SECTION:

(1) "onsite residential sewage discharging disposal system" has the meaning set forth in IC 13-11-2-144.7; and

(2) "waters" has the meaning set forth in IC 13-11-2-265.

(b) The department of environmental management:

(1) shall take all actions necessary to apply for and obtain from the United States Environmental Protection Agency a general permit under 40 CFR 122.28 for the state to cover the point source discharge to waters of sewage, treated or untreated, from an onsite residential sewage discharging disposal system installed to repair a sewage disposal system that fails to meet public health and environmental standards;

(2) is authorized to take all actions referred to in subdivision (1);

(3) shall take the actions referred to in subdivision (1) in an expeditious manner calculated to obtain the general permit as soon as possible; and

(4) shall report to the environmental quality service council before:

(A) August 1, 2002; and

(B) October 1, 2002;

the progress in obtaining the general permit.

(c) The state department of health and the executive board of the state department of health shall:

(1) take the actions referred to in IC 16-19-3-27, as added by this act, in an expeditious manner calculated to result in the development of plans and specifications and the adoption of rules as soon as possible; and

(2) report to the environmental quality service council before:

(A) August 1, 2002; and

(B) October 1, 2002;

the progress in developing plans and specifications and adopting rules.

(d) This SECTION expires January 1, 2004.

- 1 **SECTION 9. An emergency is declared for this act."**
- 2 Renumber all SECTIONS consecutively.
 (Reference is to SB 99 as printed January 16, 2002.)

and when so amended that said bill do pass.

Representative Weinzapfel